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3762

Attorney Docket No. 33734-8020US4

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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ANDREW D. FIRLIK ET AL.

APPLICATION No.: 10/072,700

FILED: FEBRUARY 7, 2002

FOR: **METHODS AND APPARATUS FOR  
EFFECTUATING A CHANGE IN A  
NEURAL-FUNCTION OF A PATIENT**

EXAMINER: RODERICK D. BRADFORD

ART UNIT: 3762

CONF. NO: 2530

**Information Disclosure Statement Within Three Months of  
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☒ All cited references
- ☐ References marked by asterisks
- ☐ The following:

☐ Copies of the following references can be found in parent U.S. Application No. :

- ☐ All cited references
- ☐ References marked by asterisks
- ☐ The following:

- ☐ The following references are not in English. For each such reference, the undersigned has enclosed (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference, (iii) a copy of a reference which appears to be an English-language counterpart, or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.

- ☐ All cited references  
☐ References marked by ampersands  
☐ The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

- ☐ Applicant further submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
- ☐ In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or
- ☐ In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.


However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0665.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

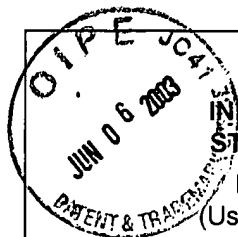
Respectfully submitted,  
Perkins Coie LLP

Date: June 4, 2003

  
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Paul T. Parker  
Registration No. 38,264

**Correspondence Address:**

Customer No. 25096  
Perkins Coie LLP  
P.O. Box 1247  
Seattle, Washington 98111-1247  
(206) 583-8888

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**Form PTO-1449 (Modified)  
(Use several sheets if necessary)**COMPLETE IF KNOWN**

Application Number	10/072,700
Confirmation Number	2530
Filing Date	February 7, 2002
First Named Inventor	Andrew D. Firlik
Group Art Unit	3762
Examiner Name	Roderick D. Bradford
Attorney Docket No.	33734-8020US4

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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		US2002/0028072		Kashiyama	03/07/02	
		US2002/0099412		Fischell et al.	07/25/02	
		US2002/0169485		Pless et al.	11/14/02	
		5,938,689		Fischell et al.	08/17/99	
		5,983,140		Smith et al.	11/09/99	
		6,006,124		Fischell et al.	12/21/99	
		6,016,449		Fischell et al.	01/18/00	
		6,052,624		Mann	04/18/00	
		6,061,593		Fischell et al.	05/09/00	
		6,128,538		Fischell et al.	10/03/00	
		6,134,474		Fischell et al.	10/17/00	
		6,161,045		Fischell et al.	12/12/00	
		6,353,754		Fischell et al.	03/05/02	
		6,354,299		Fischell et al.	03/12/02	
		6,360,122		Fischell et al.	03/19/02	
		6,427,086		Fischell et al.	07/30/02	
		6,459,936		Fischell et al.	10/01/02	
		6,466,822		Pless	10/15/02	
		6,473,639		Fischell et al.	10/29/02	
		6,480,743		Kirkpatrick et al.	11/12/02	

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DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).

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Sheet 2 of 2

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		WO	87/07511		Zion Educational Foundation	12/17/87		
		WO	02/09811		Neuropace, Inc.	02/07/02		
		WO	02/36003		Neuropace, Inc.	05/10/02		
		WO	02/38031		Neuropace, Inc.	05/16/02		
		WO	02/38217		Neuropace, Inc.	05/16/02		
		EP	1145736		Neuropace, Inc.	10/17/01		

**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
		International Search Report for Application No. PCT/US02/32695; Applicant: Vertis Neuroscience, Inc.; December 27, 2002; 9 pgs; European Patent Office	

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